IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

Bail Appl..No. 2546 of 2007()

CRIME NO.579/06 OF VADAKKENCHERRY POLICE STATION

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: PETITIONER/ACCUSED NO.5

S.S.SHARJA HUSSAIN, AGED 33 YEARS,
S/O.SAHEERUDHEEN, 10/446, V.H.ROAD, PALAKKAD.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
CIRCLE INSPECTOR OF POLICE, VADAKKENCHERRY
POLICE STATION, PALAKKAD, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2546 OF 2007

Dated this the 28th day of May, 2007

O R D E R

Petitioner, who is the 5th accused in Crime No.579/06 of Vadakkancherry Police Station for an offence punishable under section 55(a) of the Abkari Act for allegedly transporting 11800 litres of spirit in a tanker lorry on 5.12.06, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was constantly giving directions through a mobile phone to the 4th accused, who was one of the persons inside the tanker lorry in which the contraband spirit was transported. An earlier application for anticipatory bail filed by the petitioner as B.A.No.540/07 was dismissed by this court.

3. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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